

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF AN 18.938 ACRE TRACT OF LAND OUT OF THE JOHN VAN WINKLE SURVEY NO. 14, ABSTRACT 786 IN PFLUGERVILLE, TEXAS FROM MULTI-FAMILY URBAN (MF-U) TO ALTERNATIVE LAND USE REGULATION (ALUR) DISTRICT; TO BE KNOWN AS THE CARRINGTON COURT ALUR REZONING (REZ1307-01), AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, **Heatherwilde Group, Ltd**, ("Owner"), are the owners of approximately 18.938 acres of land located east of N. Heatherwilde Blvd., more fully described and shown on "Exhibit A", attached and incorporated herein for all purposes (the "Land"), have applied to the City of Pflugerville for the creation of an Alternative Land Use Regulation District ("ALUR") on the Land in accordance with Subchapter 5 of the Unified Development Code; and

WHEREAS, on July 1, 2013, the Planning and Zoning Commission approved a request to consider the Pfairway Park ALUR application on land with less than 50 acres; and

WHEREAS, on September 19, 2013, the Parks and Recreation Commission recommended approval for fee in lieu of public parkland dedication at the rate of \$750 per dwelling unit; and

WHEREAS, on October 7, 2013, the Planning and Zoning Commission conducted a public hearing to consider the Carrington Court ALUR and with a vote of 5-0, 1 abstain, recommended approval of the rezoning request with the ; and

WHEREAS, on October 22, 2013, the City Council conducted a public hearing on the application and has considered the recommendation of the Planning and Zoning Commission regarding the rezoning with the associated development code and regulating plan; and

WHEREAS the City Council has determined that the creation of the proposed ALUR will create a superior community environment through unified planning and building operations; provide facilities needed by the community, protect the natural beauty of the landscape; encourage the preservation and more efficient use of open space; and offer an opportunity for greater flexibility and more creative and imaginative design for the development of the City; and

WHEREAS, the City Council has further determined that the proposed ALUR should be created, subject to the terms and conditions of this ordinance;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS

Section 1. Creation of Carrington Court ALUR. An Alternate Land Use Regulation District or ALUR is hereby created on the Land, to be known as the "Carrington Court ALUR". The Carrington Court ALUR will be developed, improved, used and occupied in accordance with the terms of this ordinance and the attached exhibits.

Section 2. Development Code and Regulating Plan. The development code, regulating plan, open space illustrative plan, and building elevations for the Carrington Court ALUR attached as Exhibit "B" ("ALUR Development Code"), Exhibit "C" ("ALUR Regulating Plan"), Exhibit "D" ("Open Space Illustrative Plan") Exhibit "E" ("Building Elevations") is hereby approved for the Land and will be incorporated into and considered a part of this ordinance. All development within the ALUR must conform to the limitations and conditions set forth in the Development Code, Regulating Plan and where silent, the Single-Family Urban (SF-U) district in the Unified Development Code, as amended.

Section 3. Applicable Rules, Regulations and Ordinances. Except as otherwise specifically provided in this ordinance and the attached exhibits, all ordinances and regulations contained in the Code of Ordinances of the City of Pflugerville, as amended, shall apply to the Land.

Section 4. Exhibit. The following exhibits are copies of original documents on file with the City of Pflugerville and are incorporated in this ordinance in their entirety as though set forth fully in the text of this ordinance:

<u>Exhibit "A"</u>	Legal Description of the Land
<u>Exhibit "B"</u>	ALUR Development Code
<u>Exhibit "C"</u>	ALUR Regulating Plan
<u>Exhibit "D"</u>	Open Space Illustrative Plan
<u>Exhibit "E"</u>	Building Elevations

Section 5, Effective Date. This ordinance will become effective upon the date of its passage by the City Council. Such date shall be referred to herein as the "Effective Date",

PASSED AND APPROVED this _____ day of _____, 2013.

CITY OF PFLUGERVILLE, TEXAS

by: _____
JEFF COLEMAN, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

GEORGE E. HYDE, City Attorney
DENTON, NAVARRO, ROCHA & BERNAL, P.C.